

RESOLUTION 103-18

A RESOLUTION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE ELIGIBILITY FOR ANNEXATION OF PROPERTY KNOWN AS AIRPORT SPECTRUM ADDITION NO. 1 ANNEXATION HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"

WHEREAS, in accord with Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), the City Clerk of the City of Colorado Springs received a petition for annexation and an annexation plat for certain territory known as Airport Spectrum Addition No. 1 Annexation, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, said petition was signed by persons comprising one hundred percent (100%) of the landowners of the Property to be annexed and owning one hundred percent (100%) of the Property, excluding public streets and alleys, in compliance with the provisions of Article II, Section 30 of the Colorado Constitution, and Section 31-12-107(1) of the Annexation Act; and

WHEREAS, on July 24, 2018, the City Council, acting by resolution, found the petition for annexation to be in substantial compliance with Section 31-12-107(1) C.R.S of the Annexation Act and Section 30 of Article II of the Colorado Constitution, set a hearing to consider the annexation of the Property to the City of Colorado Springs on September 11, 2018, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, and directed the City Clerk to give notice of said hearing in the manner prescribed in Section 31-12-108 of the Annexation Act; and

WHEREAS, in support of the annexation the following affidavits were filed with City Council: the City Clerk's affidavit dated August 22, 2018 (the "Clerk's Affidavit"), an affidavit of Catherine Carleo, Principal Planner for the City of Colorado Springs dated August 22, 2018 (the "Planner's Affidavit"), and an affidavit from Douglas P. Reinelt, a registered professional land surveyor dated August 23, 2018 (the "Surveyor's Affidavit").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. City Council finds:

(a) that the City Council of the City of Colorado Springs has conducted a hearing to consider the annexation of the Property, described in Exhibit "A" and commonly known as Airport Spectrum Addition No. 1 Annexation, on September 11, 2018 at City of Colorado Springs, in Council Chambers, City Hall, 107 North Nevada Avenue, Colorado Springs, Colorado, in accord with the Annexation Act;

(b) that at said hearing, City Council considered the annexation petition and annexation plat, testimony presented, the Clerk's Affidavit, the Planner's Affidavit, the Surveyor's Affidavit, the record of the City Planning Commission's decision recommending annexation, all other relevant information presented;

(c) that the City Clerk has provided notice as directed and said notice complies with the requirements of Section 31-12-108 of the Annexation Act;

(d) that the Annexation Impact Report identified in Section 31-12-108.5 of the Annexation Act was filed with the Clerk to the Board of County Commissioners and the El Paso County Development Services Department as the Property proposed to be annexed is comprised of more than ten (10) acres;

(e) that the Property proposed to be annexed is unincorporated;

(f) that the legal description of the Property on Exhibit "A" is the same as the area described in the annexation petition and the annexation plat;

(g) that at least one-sixth (1/6th) of the boundary of the perimeter of the Property proposed to be annexed is contiguous with the existing boundary of the City of Colorado Springs;

(h) that a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality as provided for in Section 31-12-104(b) of the Annexation Act;

(i) no land held in identical ownership within the Property proposed to be annexed has been divided into separate parts or parcels by the boundaries of such annexation without the written consent of the landowner except as such tracts or parcels are separated by a dedicated street, road or other public way;

(j) no land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising five (5) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad

valorem tax purposes for the next year preceding the annexation), has been included within the boundary of the area proposed to be annexed without the written consent of the landowners;

(k) that no annexation of all or any part of the Property has been commenced by any other municipality;

(l) the proposed annexation will not result in the detachment of an area from any school district and attachment of the same area to another school district;

(m) the proposed annexation will not extend boundaries of the city limits of the City of Colorado Springs more than three (3) miles in any direction from the municipal boundary;

(n) in establishing the boundaries of the Property proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the Property proposed to be annexed;

(o) the applicable requirements of Section 31-12-105 of the Annexation Act have been satisfied;

(p) no petition for election has been received nor is an election otherwise required under the provisions of Section 31-12-107(2) of the Annexation Act;

(q) the annexation of the Property, commonly known as The Sands Addition Number 1 Annexation and legally described in Exhibit "A" attached hereto, meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965 as amended, and Section 30 of Article II of the Colorado Constitution;

(r) the Property is eligible for annexation to the City of Colorado Springs.

Section 2. No additional terms or conditions are to be imposed by the governing body upon this annexation.

Dated at Colorado Springs, Colorado this 11th day of September, 2018.

ATTEST


Sarah B. Johnson, City Clerk



Council President



619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799(Fax)

JOB NO. 2429.00-01
MAY 22, 2107
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LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A PORTION OF THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472, EL PASO COUNTY RECORDS, BEING MONUMENTED AT THE NORTHERLY END (A POINT OF TANGENT FROM THE NORTHERLY MOST CURVE DESCRIBED IN SAID DOCUMENT) BY A 1" ORANGE PLASTIC CAP STAMPED "PLS 37928" AND AT THE SOUTHERLY END BY A 1" YELLOW PLASTIC CAP STAMPED "CO REG PLS 12368" IS ASSUMED TO BEAR S00°00'29"W, A DISTANCE OF 3242.82 FEET.

COMMENCING AT A POINT ON THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472, RECORDS OF EL PASO COUNTY, COLORADO, BEING THE POINT OF TANGENT FROM THE NORTHERLY MOST CURVE DESCRIBED IN SAID DOCUMENT, MONUMENTED BY A 1" ORANGE PLASTIC CAP STAMPED "CO REG PLS 12368";

THENCE N53°53'02"E, A DISTANCE OF 259.94 FEET TO A POINT ON THE WESTERLY LINE OF LOT 2, COLORADO SPRINGS AIRPORT FILING NO. 1, RECORDED UNDER RECEPTION NUMBER 201029279 OF SAID RECORDS, BEING ALSO A POINT ON THE EAST LINE OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°00'29"W, ON THE EAST LINE OF SAID SECTION 1 AND THE WESTERLY LINE OF SAID LOT 2 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 3933.79 FEET;

THENCE S74°10'05"W, A DISTANCE OF 135.25' TO A POINT ON THE WESTERLY LINE OF SAID DOCUMENT RECORDED IN BOOK 5307 AT PAGE 1472;
THENCE S89°59'40"W, A DISTANCE OF 909.93 FEET TO A POINT ON THE THE EASTERLY LINE OF A WARRANTY DEED RECORDED UNDER RECEPTION NO. 201110423 OF SAID RECORDS;
THENCE N09°50'33"E ON SAID EASTERLY LINE, A DISTANCE OF 2272.48 FEET TO THE SOUTHEASTERLY CORNER OF A QUIT CLAIM DEED RECORDED UNDER RECEPTION NO. 202068128 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;
THENCE N05°45'54"W ON THE EASTERLY LINE OF SAID QUIT CLAIM DEED, A DISTANCE OF 536.32 FEET TO THE SOUTHEASTERLY CORNER OF A WARRANTY DEED RECORDED UNDER RECEPTION NO. 201110417 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;
THENCE N25°02'08"W ON THE EASTERLY LINE OF SAID WARRANTY DEED, A DISTANCE OF 438.64 FEET TO THE SOUTHEASTERLY CORNER OF A WARRANTY DEED RECORDED NO. 201110420 OF SAID RECORDS, SAID POINT BEING MONUMENTED BY A 1/2" REBAR;

THENCE ON THE EASTERLY LINE OF SAID WARRANTY DEED THE FOLLOWING (3) THREE COURSES;

1. N06°17'35"W, A DISTANCE OF 209.36 FEET TO A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "LS6169";
2. N26°32'43"W, A DISTANCE OF 535.77 FEET TO A 1-1/2" ALUMINUM SURVEYORS CAP STAMPED "LS 6169";
3. N39°01'33"W, A DISTANCE OF 214.27 FEET TO THE SOUTHEASTERLY CORNER OF DRENNAN ROAD AS PLATTED IN CLEAR VIEW ESTATES SUBDIVISION NO. 2, RECORDED IN BOOK M-2 AT PAGE 58 OF SAID RECORDS, SAID POINT BEING A 1" ORANGE PLASTIC CAP STAMPED "37928";

EXHIBIT A

THENCE N03°27'15"E ON THE EASTERLY LINE OF SAID DRENNAN ROAD, A DISTANCE OF 23.54 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MILTON E. PROBY PARKWAY (FORMERLY DRENNAN ROAD), BEING MONUMENTED BY A 1" ORANGE PLASTIC CAP STAMPED "PLS 37928";

THENCE S86°35'37"E, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID MILTON E. PROBY PARKWAY, A DISTANCE OF 1289.81 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 78.955 ACRES.

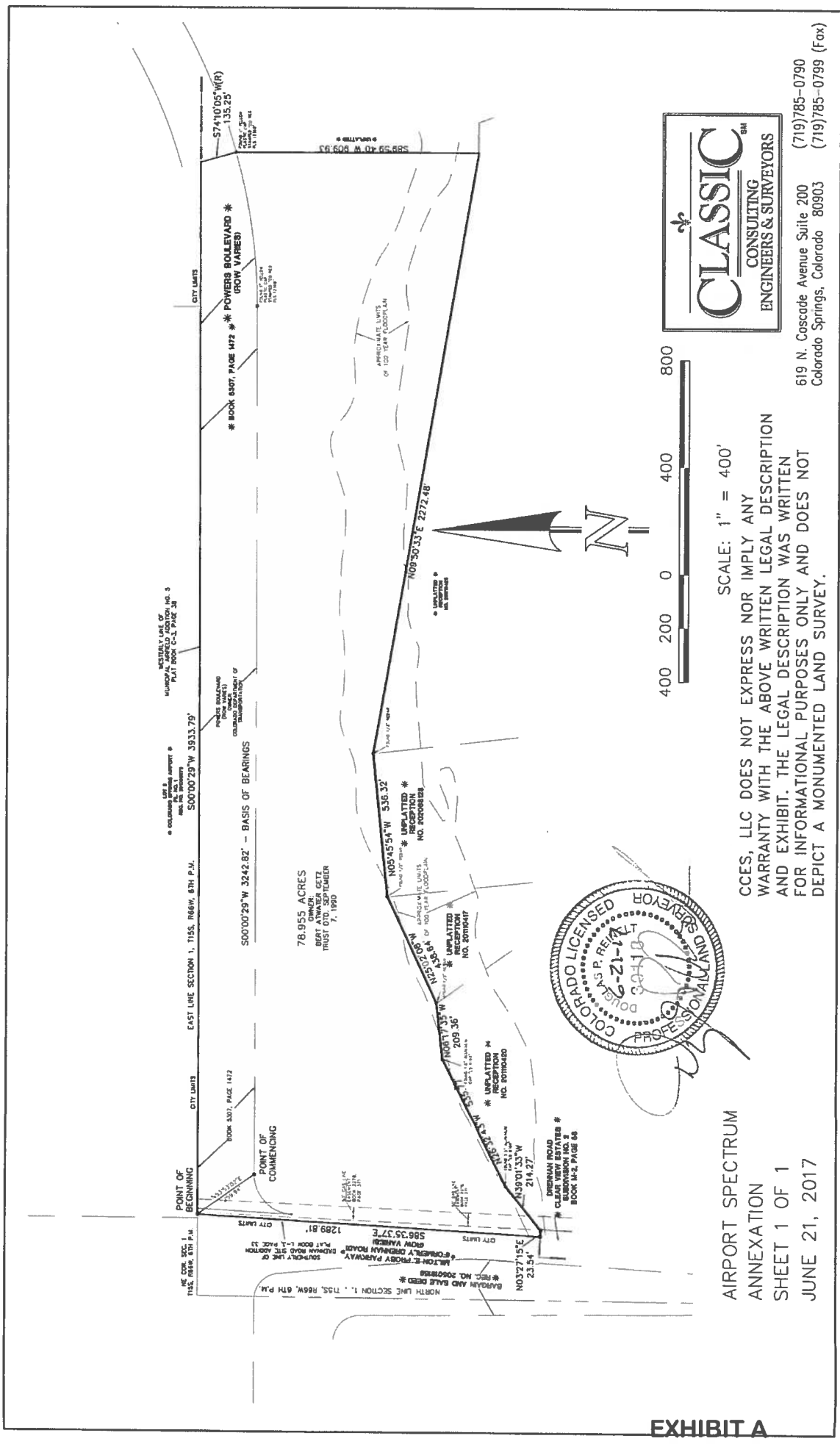
LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS CORRECT.



DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

MAY 22, 2017
DATE



SCALE: 1" = 400'

CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.

AIRPORT SPECTRUM ANNEXATION SHEET 1 OF 1 JUNE 21, 2017

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